

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)
) CRIMINAL ACTION NO.
v.) 2:18cr122-MHT
)
TANYA LEE ENGLISH)

OPINION AND ORDER

This cause is before the court on the motion to continue made by defendant Tanya Lee English. For the reasons set forth below, the court finds that jury selection and trial, now set for August 6, 2018, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making

public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and English in a speedy trial. As the motion explains, English was appointed new counsel on July 10, 2018. Counsel for English has yet

to receive discovery in this case, which is now set for trial in approximately three weeks, and is also currently preparing for trial in another federal criminal case in this district. A continuance is therefore warranted and necessary to allow counsel for English to review discovery, engage in any plea negotiations, and prepare adequately and effectively for the jury selection and trial in the event that a plea agreement is not reached.

The government does not object to a continuance.

Accordingly, it is ORDERED as follows:

- (1) The motion for continuance of defendant Tanya Lee English (doc. no. 50) is granted.
- (2) The jury selection and trial, now set for August 6, 2018, are reset for November 5, 2018, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson

Jr. United States Courthouse Complex, One Church
Street, Montgomery, Alabama.

DONE, this the 18th day of July, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE